

ORDINANCE NO. 07-56

ORDINANCE GRANTING A
CONDITIONAL USE PERMIT (CUP) TO
ALLOW A HOUSE OF WORSHIP AND
GRANTING A VARIANCE PERMIT TO
WAIVE A PORTION OF THE MIAMI-
DADE COUNTY LANDSCAPE MANUAL
FOR OFF-STREET PARKING AS
ADOPTED BY THE CITY, TO WIT: 7-
FOOT LANDSCAPE BUFFER BETWEEN
THE OFF-STREET PARKING AND
RIGHT-OF-WAY AND 1 TREE FOR
EACH 40 FEET OF RIGHT-OF-WAY AND
10 SHRUBS FOR EACH TREE; ALLOW
THE EXISTING NORTH SIDE SETBCK
OF 0 FEET AND SOUTH SIDE SETBACK
OF 0.1 FEET, WHERE A MINIMUM OF 5
FEET 1 INCH IS REQUIRED FOR EACH,
AND ALLOW 9 PARKING SPACES, OF
WHICH 6 PARKING SPACES ARE ON-
STREET, WHERE 30 PARKING SPACES
ARE REQUIRED, CONTRA TO HIALEAH
CODE §§ 98-2197(a), 98-1372 AND 98-
2189(16). **PROPERTY LOCATED AT
4653 EAST 10 LANE, HIALEAH,
FLORIDA.** REPEALING ALL
ORDINANCES OR PARTS OF
ORDINANCES IN CONFLICT
HEREWITH; PROVIDING PENALTIES
FOR VIOLATION HEREOF; PROVIDING
FOR A SEVERABILITY CLAUSE; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of April 25, 2007 recommended approval of this ordinance; and

WHEREAS, the petitioner proffered a declaration of restrictive covenants, offering to demolish the un-permitted structures on the property as indicated in the revised site plan and to limit the hours of operation on the weekdays after 7:00 p.m., Saturdays and Sundays, where sufficient parking is available on neighboring industrial properties at times that do not interfere with business operations.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The petitioner proffers a declaration of restrictive covenants offering to demolish the un-permitted structures on the property as indicated in the revised site plan and to limit the hours of operation on the weekdays after 7:00 p.m., Saturdays and Sundays, where sufficient parking is available on neighboring industrial properties at times that do not interfere with business operations, to which the City accepts.

Section 2: The below-described property is hereby granted Conditional Use Permit (CUP) to allow a house of worship and is hereby granted a variance permit to waive a portion of the Miami-Dade County Landscape Manual for Off-Street Parking as adopted by the City, to wit: 7-foot landscape buffer between the off-street parking right-of-way and 1 tree for each 40 feet of right-of-way and 10 shrubs for each tree; allow the existing north side setback of 0 feet and south side setback of 0.1 feet, where a minimum of 5 feet 1 inch is required for each, and allow 9 parking spaces, of which 6 parking spaces are on-street, where 30 parking spaces are required, contra to Hialeah Code §§ 98-2197(a), 98-1372 and 98-2189(16), which provide in pertinent part: "Off-street parking areas shall be landscaped according to the latest edition of the Miami-Dade County Landscape Manual for off-street parking and other vehicular use areas, . . .", " There shall be required a minimum side yard . . . setback off from two feet seven inches to five feet one inch as set forth elsewhere in this chapter." and "*Places of worship*. One parking space for each 40 square feet of gross floor area of the main auditorium (sanctuary) . . . ",

respectively. Property located at 4653 East 10 Lane, Hialeah, Miami-Dade County, Florida, zoned M-1 (Industrial), and legally described as follows:

LOT 2, BLOCK 13, INGLESIDE PARK, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 10, PAGE 31, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Severability Clause.

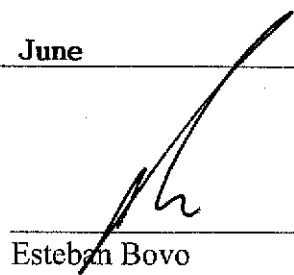
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of June, 2007.


THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 186.041
PRIOR TO FINAL READING.



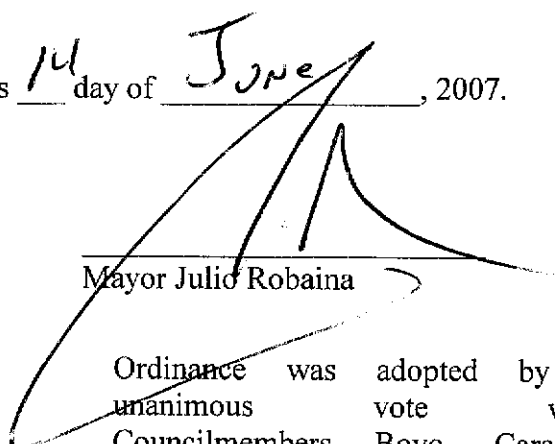
Esteban Bovo
Council President

Attest:

Approved on this 14 day of June, 2007.



Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a
unanimous vote with
Councilmembers Bovo, Caragol,
Casals-Muñoz, Gonzalez, Hernandez,
Miel and Yedra voting "Yes".